

MEETING SUMMARY

Agricultural Best Management Practices (AgBMP) Technical Work Group

June 8, 2006; 1:30 p.m., Room 145

Arizona Department of Environmental Quality
1110 West Washington Street, Phoenix, Arizona

Attendees (Work Group members are starred): Steve Barker*, Emily Bonanni, Brett Cameron*, Phil Camp, Pat Clay*, Marcia Colquitt*, Ira Domskey, Bruce Friedl, Rick Ladra*, Rick Lavis*, Lorrie Loder, Corky Martinkovic, Kevin Rogers*, Randy Sedlacek*, Steven Peplau*, Wienke Tax*, Lisa Tomczak, and Nancy Wrona, (Call-in number was provided; no call-ins participated.)

Nancy Wrona, Director of ADEQ Air Quality Division, opened the meeting and welcomed everyone. The first item on the agenda (see handout No. 1) was the nomination of the Work Group chair. Ms. Wrona opened the floor for nominations. Rick Lavis nominated Rick Ladra; Rick Ladra nominated Kevin Rogers. After a brief discussion, the nominees determined that the best option would be to act as co-chairs. It was also determined that having farmers as co-chairs of the group would be good.

Chairs Ladra and Rogers took control of the meeting and moved on to the second agenda item - a brief history of the AgBMP Technical Work Group (see handout No. 2). Mr. Rogers recalled that it was nine years ago that the group reviewed over 100 BMPs to come up with the final AgBMP booklet and related technical document.

At this point Marcia Colquitt asked if we had a list of the first round of potential BMPs and the criteria for choosing one over the other. Steve Barker believed that the list was still in former past Work Group member Jeff Schmidt's files; Mr. Barker said he would check (Action Item; see list at end of these minutes). Ms. Colquitt said she also had a list of Natural Resources Conservation Services (NRCS) BMPs she could check and thought that some of the past BMPs would be on that list. Mr. Barker then asked if we had a preference list or other plans; Ms. Colquitt said she could compile a list (Action Item). Mr. Rogers said the list should include not only people who have farmed land for more than 30 years, but people who have farmed land for less than two years as Phoenix is more of a short-lease area. Also, because the Phoenix area is not required to turn in BMP reports, there is no way to know what is being used unless a farmer was contacted about BMP usage for some reason.

Wienke Tax, EPA Region 9, then covered the next agenda item - discussion of the 5 percent requirement for PM₁₀ emission reductions for the Maricopa County serious nonattainment area. Ms. Tax made the following points:

- (1) Phoenix has a December 31, 2006, attainment date for PM₁₀, but based on current monitored values, the area will not be in attainment.
- (2) In early 2007, EPA will make a finding for nonattainment for the Maricopa County PM₁₀ area.

- (3) A 5 percent plan will need to be submitted to EPA by December 31, 2007; the plan must provide for “an annual reduction in PM₁₀...within the area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for the area (Clean Air Act Section 189(d); see handout No. 3).
- (4) To give a simplified example, if Maricopa County’s PM₁₀ emissions inventory for the nonattainment area is 100 tons, then in the first year, 5 tons (5 percent) will be need to be reduced, in the second year an additional 5 tons (5 percent) will need to be reduced, and so on until attainment can be demonstrated.
- (5) The 5 percent reductions can be on all source categories, or more on some than on others.
- (6) How much will agriculture need to reduce to meet your portion? That will depend. The first step is for the area to develop a baseline emissions inventory for 2005 and then scale it up to 2007 (the base year for the 5 percent plan). Depending on what that inventory indicates, a variety of control strategy combinations may result.
- (7) The agricultural sector needs to look at what is in place now, then discuss additional BMPs, or a different approach to the BMPs, or additional measures.

Ms. Tax noted that the Maricopa Association of Governments (MAG) will be updating the emissions inventory and determining the percentage of land lost to development, including what has replaced the former farm land now. Ira Domskey asked Ms. Tax if EPA has determined if the retirement of agricultural land can be credited toward the 5 percent. Ms. Tax said it depends on what was included in the base year inventory; she believes the percentage of converted land will be included in the updated inventory, but anything after the new base line might be available for credit. Mr. Lavis then asked if she knew when MAG would have the updated emission inventory completed; Ms. Tax said it would be late fall 2006. Mr. Lavis then asked if the timeline the group has been given (see handout No. 4) is realistic (Work Group report due to Committee mid October 2006). Ms. Wrona said that the timeline was discussed at the AgBMP Committee meeting held April 17, 2006. Mr. Lavis said that maybe it would be better to just discuss or review things in the summer and wait until the updated emissions inventory was out to make any report. Mr. Domskey said that this group can still make recommendations; Ms. Wrona reminded the group that it was their responsibility to do the “heavy lifting” for the larger Committee.

Mr. Ladra then asked how retired farm land was defined - is it vacant land waiting for development, or just land that is not currently cropped but still “in the mix” for the farmer. Mr. Rogers stated that retired farm land is land the farmer no longer controls.

Ms. Wrona stated that for the application of Maricopa County Rule 310, the agricultural land has to be vacant land. Mr. Ladra stated that could be a problem as there are often delays with leases. Mr. Rogers said that the lease can stipulate when possession occurs. Diane Arnst asked if retired farm land was defined for San Joaquin Valley, California; Ms. Tax said she would check into it. Ms. Colquitt said the definition needs to be determined because Maricopa County stipulates if the land is not being farmed, then it is treated as vacant land; she added that Maricopa County often checks to see how the land

is taxed. If it is being taxed as agricultural land, then Rule 310 does not apply. Mr. Ladra said the tax assessor's office can take years to catch up. It was determined that the Work Group would find a definition for retired farm land, or work on drafting a definition (Action Item).

The next agenda item was the discussion of the timeline. The Work Group determined that it would be useful to have visits from representatives from MAG, Maricopa County, and San Joaquin, California, along with, perhaps, Imperial Valley and Coachella Valley, California, as well. Mr. Rogers reminded everyone that the timeline could be revised and agreed that arrangements to have the California people address the Work Group should be worked out for some time in July; it was agreed that it would be good to have both regulators and farmers. Some names were discussed; Ms. Tax said she would work on it (Action Item). It was also determined that the timeline would be revised to eliminate the June 15th meeting (Action Item).

Mr. Rogers then stated that someone should look at what the two California areas are using and what we could possibly fold into our program, keeping in mind that it could require a revision to the AgBMP rule. Mr. Lavis said that we should first endeavor to evaluate our program - which BMPs are working. It would be best to have MAG come in first and talk about what we may need to do, evaluate our program, and then hear about California's programs. Mr. Rogers added that it would be good to hear what California has attributed to their problem; he also wanted to know if there was a way to determine what credit was given to our current BMPs (find out from MAG what could be evaluated against the baseline emissions and then decide where to go forward; adding the NRCS list as well). Mr. Ladra asked how MAG assigns things, how they figure things. Ms. Arnst reminded everyone that it is 5 percent of the total emissions, not just agriculture; it is based on a formula. Mr. Ladra said that he remembers a graph or pie representation and asked if someone could locate the past source list. Ms. Arnst wanted to make sure everyone understood that it was not a subtraction process (cutting out a piece of the pie) but more of a substitution process - finding out what works in one source area and how much that would reduce the pie for that portion or reduce the pie overall.

Ms. Colquitt then pointed out the handouts she had brought (see attached handouts re California programs) and how one could check California Web sites to see how they could account for a 33 percent reduction, partly because they track their BMPs. Ms. Wrona then asked Randy Sedlacek to compile a report to present at the next meeting that

would analyze all the BMPs to date and the relative effectiveness, including Maricopa County and other jurisdictions. Marcia Colquitt agreed to assist Mr. Sedlacek with the development of a matrix (Action Item). Ms. Colquitt reminded the Work Group that California calls their BMPs Conservation Management Practices or CMPs, but that other things need to be considered when comparing them to Arizona - soil factors, differing methods, and precipitation. Mr. Ladra asked how CMPs are assigned values. Mr. Sedlacek said that it is a numerical value. Mr. Ladra then asked that if we have enough of these numerical calculations can we then come up with a percent reduction? Mr. Sedlacek said we will know more when we have MAG's updated emissions inventory.

Ms. Wrona reminded everyone that the emissions inventory would also reflect increases in traffic, construction, and overall growth in the area; bottom line - the emissions inventory will be larger.

There was a brief discussion of the need to have Maricopa County explain the program applicability now and how it relates to Rule 310 along with any penalties assessed (two Action Items). This could be added to the presentation from MAG on emissions inventory updating, timelines, and steps regarding 5 percent requirement. Corky Martinkovic stated that MAG is also working on an attribution study. Ms. Martinkovic briefly explained what the attribution study was - a study completed by a contractor hired to analyze the sources of PM₁₀ pollution, and the degree to which each source is contributing to the problem. Mr. Domskey added it also would show what sources are impacting particular monitors. It was agreed that MAG should also talk about the attribution study.

Another brief discussion was had regarding the development of a Web site at the Department of Agriculture that would follow the Work Group's activities and post agendas, meeting summaries, related documents and presentations along with helpful links. Ms. Colquitt and Mrs. Martinkovic will work on the site. Ms. Martinkovic also asked if it would be helpful for the group to have spiral notebooks to track the Work Group's documents; Brett Cameron volunteered to donate some notebooks to the Work Group (Action Items).

Mr. Lavis then stated that he would like to have Maricopa County weight in on their authority under Rule 310 - what role the County sees as "sheriff" from any movement of sources along and up to the gate of a farm. Mr. Lavis would also like to see a copy of the penalties outlined in Rule 310 (added to original Action Item).

The next agenda item was the Call to the Public. There were no public questions or comments.

Prior to a review of all the Action Items, it was determined that the next meeting would be June 27, 2006. The meeting would begin at 10:00 a.m. with a smaller group meeting at 9:00 a.m. to review current BMP information. Ms. Wrona told the group that the Work

Group's soil scientist, Jim Walworth, would be out of the country this summer, but U of A would locate a substitute for him. She also reminded the Work Group that they were under the requirements of Open Meeting Law regarding notices, e-mails, etc. Ms. Tax added that she would work with Mr. Rogers to see if there would be a way to cover some of the travel expenses for the California people. Ms. Wrona said she would look into ADEQ travel funding as well.

ACTION ITEMS [assignee(s)]:

1. Find original, longer list of BMPs for Work Group to review [Steve Barker].

2. Compile BMPs utilized in practice [Marcia Colquitt].
3. Follow up on issue of when a parcel ceases to be classified as agricultural land (retired farm land) [Work Group].
4. Bring in San Joaquin regulators and growers (perhaps Imperial area as well); Roger Isom (CA Ginners and Cotton Growers Association, Cynthia Corey (CA Farm Bureau), Kerry Drake (EPA Region 9), and Imperial County Farm Bureau's Nicole (760-352-3831) were some of the suggested contacts [Wienke Tax and Marcia Colquitt].
5. Timeline will be revised to eliminate June 15, 2006 meeting, add tentative July meeting.
6. Need to look at BMPs used along with their effectiveness, including Maricopa and other jurisdictions; do a comparison matrix [Randy Sedlacek and Marcia Colquitt].
7. Have MAG do presentation on inventory development, timeline and planning steps [Nancy Wrona and Corky Martinkovic].
8. Discuss program applicability with Maricopa County [Nancy Wrona].
9. Develop AgBMP Web site [Marcia Colquitt].
10. Discuss Rule 310 and Rule 310 penalties with Maricopa County [Nancy Wrona].
11. Develop agenda for June 27, 2006, meeting to include a short meeting at 9:00 a.m. for smaller group [Steve Barker, Marcia Colquitt, Kevin Rogers, and Rick Ladra] to review BMPs followed by 10:00 a.m. of Work Group. Agenda items so far: MAG and Maricopa County, Matrix, and Review of BMPs [Corky Martinkovic].
12. List of Coachella Valley BMPs/CMPs if necessary [Wienke Tax].
13. Subsequent meeting with California regulators and growers for either week of July 17th or week of July 24th.

The meeting was adjourned at 3:05 p.m.